

STATE OF MICHIGAN
COURT OF APPEALS

DEANDRE GREEN,

Plaintiff-Appellee,

v

STATE FAIR LOUNGE, INC. and CHARLES
GASTON,

Defendants-Appellants.

UNPUBLISHED

August 6, 2002

No. 231902

Wayne Circuit Court

LC No. 99-925850-NI

Before: Murray, P.J., and Sawyer and Zahra, JJ.

MEMORANDUM.

Defendants appeal as of right from the denial of defendant Gaston's motion for a directed verdict. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

This Court reviews de novo the grant or denial of a directed verdict. In reviewing the trial court's decision, we view the evidence presented up to the time of the motion in the light most favorable to the nonmoving party, granting that party every reasonable inference, and resolving any conflict in the evidence in that party's favor to decide whether a question of fact existed. A directed verdict is appropriately granted only when no factual questions exist on which reasonable jurors could differ. If reasonable jurors could reach conclusions different than this Court, then this Court's judgment should not be substituted for the judgment of the jury. [*Cacevic v Simplimatic Engineering Co (On Remand)*, 248 Mich App 670, 679; ___ NW2d ___ (2001).]

Plaintiff sought damages for injuries sustained when State Fair's security guards struck him in the head while escorting him from the premises. Defendant Gaston contends that because he did not personally attack plaintiff, he cannot be held liable for the assault. That would be true if plaintiff sued the company for assault. However, plaintiff sued for failure to provide a safe premises and argued at trial that defendant was personally liable because he was negligent in establishing security procedures, an act for which defendant was directly responsible.

The law is well established that corporate officers and employees may be held personally liable for all tortious and criminal acts in which they participate, regardless of whether they are acting on behalf of themselves or the corporation. *Joy Management Co v Detroit*, 183 Mich App

334, 340; 455 NW2d 55 (1990). This is true even though the corporation is also liable for the tort and even if the individual does not personally benefit from the acts. *Warren Tool Co v Stephenson*, 11 Mich App 274, 300-301; 161 NW2d 133 (1968). While defendant asserts that his role in establishing security procedures was not a sufficient basis for imposing personal liability, he has completely failed to brief the issue and thus it is deemed abandoned. *FMB-First Michigan Bank v Bailey*, 232 Mich App 711, 717; 591 NW2d 676 (1998).

Affirmed.

/s/ Christopher M. Murray

/s/ David H. Sawyer

/s/ Brian K. Zahra